



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,210	11/13/2001	Reinhard Deutsch	31976-175930	6730
26694	7590	07/28/2005	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 07/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

28

<b>Office Action Summary</b>	Application No. 09/987,210	Applicant(s) DEUTSCH ET AL.	
	Examiner Thanh K. Truong	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-17 and 20-25 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,3-17 and 20-25 is/are rejected.  
 7) ☒ Claim(s) 18 and 19 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment received on July 26, 2004.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features in the recitations: "and jointly evacuating the pack, the blank and the respective collar from said station" in claim 3, lines 4-5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "said moving means" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-17 and 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bright et al. (4,741,145).

Bright discloses a method and apparatus comprising: means (2) for transporting successive collars of a series of collars (10) from a source of collars to the assembling station (figure 1); means (22) for conveying a succession of blanks (c) from the magazine (20), along a predetermined path, and on to the station so that each blank reaches the station while a collar (10) is at a standstill in a predetermined position; and guide means (52) for positively guiding each blank at least along a portion of the path (figure 2), and feeding each blank into a stationary guide (46) of a pocket of the station (figure 3).

Bright further discloses: blank or coupon (c) is inserted between pack (6) and collar (10) in a pocket (4) the station; means (30, 44) for moving a blank at the station from the guide means into the at least on pocket; and the guide means is spaced apart from the collar at the station (figures 2 & 3); the stationary guide (46) has two lateral guide portions (figure 3 shows two fingers like portion) spaced from one another on either side of the pocket (4); wherein the stationary guide has an opening and a bottom part (the end portion of guide 46 – figure 3)

Art Unit: 3721

support the blank in the stationary guide and the moving means (44) exerts a force through the opening in order to expel the blank (c) from the stationary guide (column 3, lines 16-20).

### ***Allowable Subject Matter***

7. Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed July 26, 2004 have been fully considered but they are not persuasive.

8. In response to the Applicant's argument that the coupon in Bright "is not positioned securely in the gap and consequently, a displacement of the coupon in the gap cannot be ruled out", the examiner contention is that the argument is mere speculation and thus is irrelevant. Bright is used to reject the claims because its disclosure anticipates the claimed invention and it is not base on speculation.

9. In response to the Applicant's argument that "Bright teaches that guide 14 is raised to establish a gap with the bundle 6 and thus guide 14 is not stationary", the examiner contention is that the Applicant's argument is grossly erroneous, because:

Art Unit: 3721

Bright discloses in column 2, lines 15-19 "A fixed guide rail 14 extends over the bundle 6 ... The rail 14 may be slightly tapered, so as to increase the spacing or gap from the bundle as it is moved by the conveyor 2". There is no evident from the disclosure that the guide 14 is raised. The term "tapered" in Bright's disclosure is far different from the Applicant's interpretation that "guide 14 is raised ... and thus guide 14 is not stationary";

Finally, although guide (14) is one of the stationary guides, it was not relied upon for the anticipation of the stationary guide as claimed by the Applicant. Therefore the Applicant's argument regarding to rail 14 is irrelevant.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

Art Unit: 3721

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is ~~703-872-9306~~ 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt  
July 25, 2005.

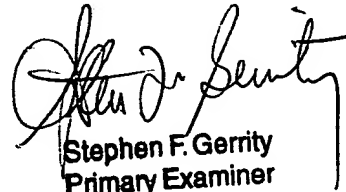
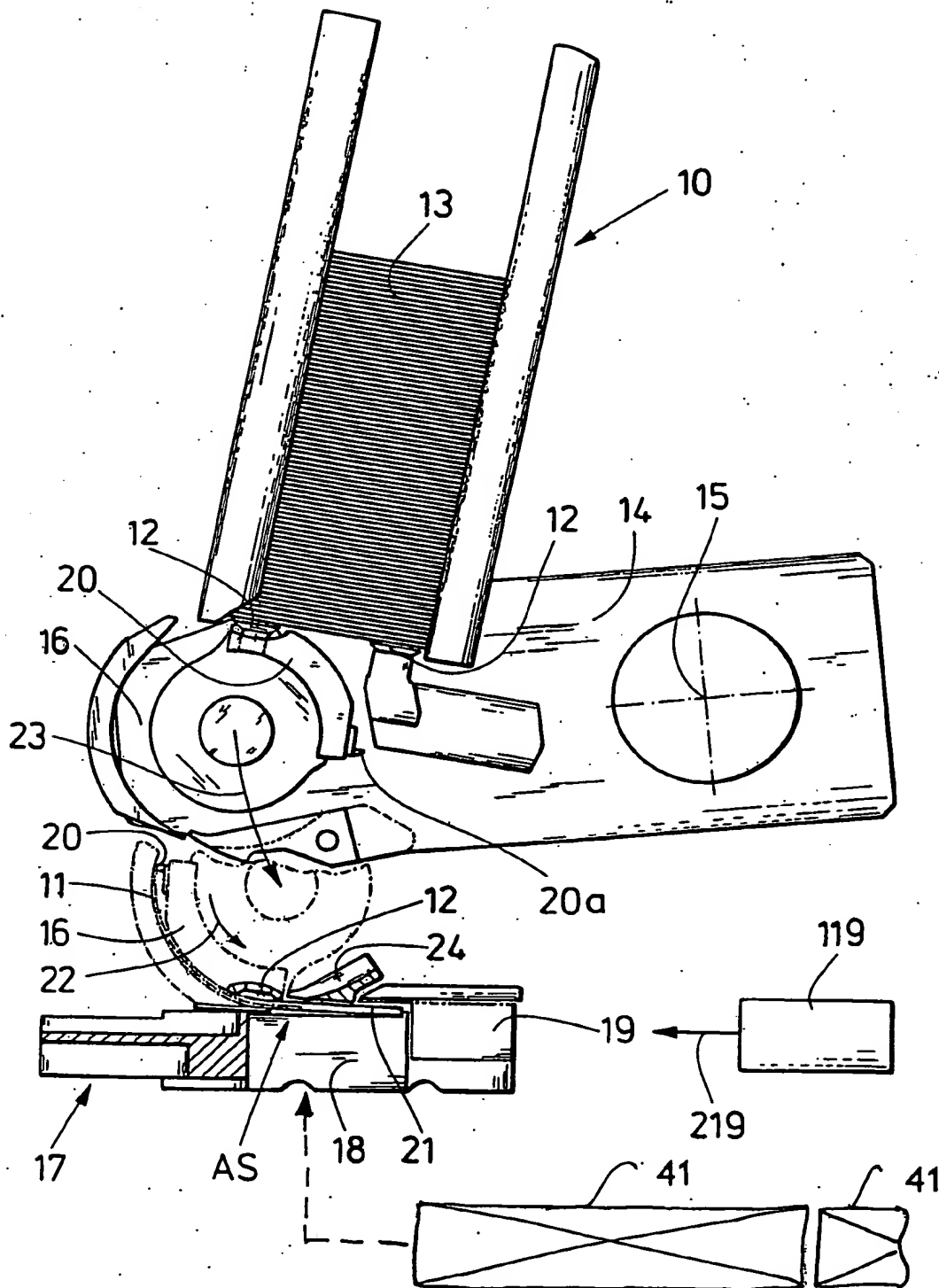
  
Stephen F. Gerrity  
Primary Examiner  
571-272-4460



Fig. 1

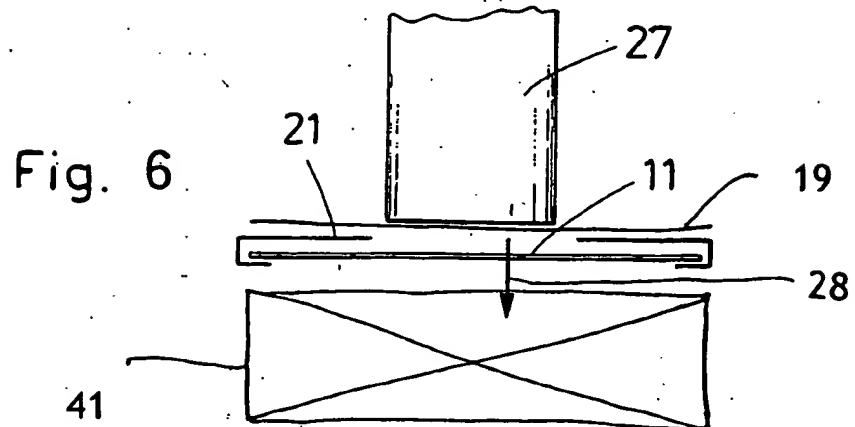


DRAWING APPROVED  
 Date 7/25/05





Application No. 09/987,210  
Amdt. Dated July 26, 2004  
Reply to Office Action of Jan. 26, 200  
Replacement Sheet



DRAWING APPROVED  
THE 7/25/05